IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13978 of 2004

Between:

Gundra Jagga Rao, S/o.Venkata Rao, R/o. Yendapalli, East Godavari District.

... PETITIONER

AND

1 The Commissioner of Endowments, Govt. of A.P. Tilak Road, Hyderabad.
2 The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District.
3 Sri Jaganadhaswamivari Devasthanam, Rep by its Executive Officer,

(Manager), Mulapet Village, U. Kothapalli (Mandal), East Godavari District.
4 The District Collector, East Godavari District, Kakinada.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction or directions more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in interfering with the decision making process of the respondents No. 1, 2 and 3 for grant of extension of lease in favour of the Petitioner, as illegal, arbitrary and violative of Art. 14, 19 and 21 of the constitution of India consequently direct the 4th respondent to not to interfere with the decision making of respondent No. 1, 2 and 3 for grant of extension of lease in favour of the petitioner

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent Nos. 1, 2 & 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: Smt. N. Indrani

The Court made the following Order:

ORDER:

The Petitioner claims to be an agriculturist and a lessee in respect of the lands belonging to the third respondent-Sri Jaganadhaswamivari Devasthanam, to an extent of Ac.17.24 cents situated in Rs.No.496, 498 and 504 of Yendapalli village. He states that the lease was granted for a period of one year i.e., 2003-2004 in his favour by the first respondent-The Commissioner of Endowments, Hyderabad, on 26.08.2003. However, during the lease period, the petitioner could not get proper income in view of the late handing over of the land and untoward expenditure involved and thus suffered losses, and in view of the same, in the second week of June, 2004, the third respondent temple thought it fit to extend the term of lease held by the petitioner for a period of three more years with enhanced makta of 25 bags per year. In pursuance thereof, the Deputy Commissioner of Endowments, Kakinada, recommended the case of the petitioner for extension of lease bringing to the notice of the Commissioner of Endowments, Hyderabad all the relevant facts and circumstances. The said recommendation is pending consideration before the first respondent-The Commissioner of Endowments, Hyderabad. It is alleged that in the meanwhile the District Collector at the instance of some political parties is acting against the interest of the petitioner due to which he also apprehends interference with the agricultural operations being carried on by him in the land in question. In the circumstances, this writ petition has been filed seeking a declaration that the action of the 4th respondent is arbitrary and illegal.

I have heard the learned Counsel for the petitioner and learned Standing Counsel Smt. N. Indrani, appearing for the 3rd respondent temple as well as the learned Government Pleader appearing for the respondents 1, 2 and 4.

The learned Counsel for the petitioner contends that as per G.O.Ms.No.379, dated 11.03.2003, the Commissioner is the competent authority so far as the extension of lease is concerned and since the proposal made by the Deputy Commissioner of Endowments, Kakinada, for extension of lease in his favour is pending, there cannot be any interference with his possession in respect of the land in question.

The learned counsel for the petitioner also states that the petitioner has already commenced the agricultural operations in the month of June, 2004 and as on today there is standing crop and therefore it would be appropriate for the first respondent to grant the extension as recommended.

The fact that the Commissioner of Endowments is competent authority for granting extension of lease, is not disputed by learned Counsel for the respondents. Having regard to the facts and circumstances of the case and particularly in view of the fact that the second respondent- The Deputy Commissioner of Endowments, Kakinada, by letter dated 19.06.2004 has already submitted the proposal for extension of lease in favour of the petitioner for another three years subject to the enhanced makta of 25 bags per year, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-The Commissioner of Endowments, to take a decision on the recommendation made by the Deputy Commissioner of Endowments, dated 19.06.2004 as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. Till such

decision is taken by the first respondent, the order passed by this Court on 09.08.2004 directing both parties to maintain *Status Quo* as to the nature and possession of the land in question shall be in force.

Accordingly, the writ petition is disposed of. No costs.

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(G. ROHINI, J)

August 16, 2004

Dsk/Gbs

Note: Furnish copy in two days

(B/o)

Dsk/Gbs

To

1. The Commissioner of Endowments, Government of AP, Tilak Road,

Hyderabad.

2. The Deputy Commissioner, Endowments Department, Kakinada, East

Godavari District.

3. The District Collector, East Godavari District, Kakinada.

4. Two CCs to GP For Endowments, High Court Buildings, Hyderabad.(OUT)

5. Two CD Copies.